

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Rodney L. Green and Kim Green

Case No.: 14-26182-MBK
Judge: Michael B. Kaplan
Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- ☐ Original ☒ Modified/Notice Required ☒ Discharge Sought
☐ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: 10/14/2016

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 694.00 per month to the Chapter 13 Trustee, starting on 11/01/2016 for approximately 34 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Brad J. Spiller, Esquire Internal Revenue Service	Attorney's fees Federal income tax	\$2,781.00 Unknown

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

Bk of Amer, TD Bank

The following secured claims are unaffected by the Plan:

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan
Westlake Financial Svc	2004 Cadillac Escalade	\$8,579.00
Carvant Financial Llc	2007 Pontiac G6	\$8,408.00

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
- ☒ Not less than 100 percent
- ☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Brad J. Spiller, Esquire
- 3) Secured
- 4) Unsecured

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: _____.

Explain below **why** the plan is being modified:
Loan Modification has been approved.

Explain below **how** the plan is being modified:
Removing mortgage arrears.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 10/14/2016

/s/ Brad J. Spiller
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 10/14/2016

/s/ Rodney L. Green
Debtor

Date: 10/14/2016

/s/ Kim Green
Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Rodney L. Green
 Kim Green
 Debtors

Case No. 14-26182-MBK
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

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 Total Noticed: 31

Date Rcvd: Oct 17, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 19, 2016.

db/jdb +Rodney L. Green, Kim Green, 5 Palfrey Lane, Willingboro, NJ 08046-2608
 cr +Carvant Financial, LLC, P.O. Box 465, Syosset, NY 11791-0465
 515062062 American Express Bank, FSB, c o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701
 515207941 American InfoSource LP as agent for, DIRECTV, LLC, PO Box 51178,
 Los Angeles, CA 90051-5478
 514970331 +Amex, PO BOX 3001, 16 General Warren Blvd, Malvern, PA 19355-1245
 515111840 Bank of America, N.A., P.O. Box 660933, Dallas, TX 75266-0933
 515407194 Bank of America, NA, PO Box 660933, Dallas, TX 75266-0933
 514970332 +Bk Of Amer, ATTN: CORRESPONDENCE UNIT/CA6-919-02-4, Po Box 5170,
 Simi Valley, CA 93062-5170
 514970333 Bur Acct Mgm, Bureau Of Account, Camp Hill, PA 17011
 514970342 ++C O AMERICAN INFOSOURCE LP, 4515 N SANTA FE AVE, OKLAHOMA CITY OK 73118-7901
 (address filed with court: TMobile, PO Box 742596, Cincinnati, OH 45274-2596)
 515062734 +CERASTES, LLC, C O WEINSTEIN, PINSON, AND RILEY, PS, 2001 WESTERN AVENUE, STE 400,
 SEATTLE, WA 98121-3132
 514970334 #+Cap One, Po Box 5253, Carol Stream, IL 60197-5253
 514970335 Capital Collection Svc, 300 N Route 73, West Berlin, NJ 08091
 514970336 +Carvant Financial Llc, 6901 Jericho Turnpike, Syosset, NY 11791-4464
 515121333 EMERG PHY ASSOC OF S.JERSEY,PC, PO Box 1109, Minneapolis, MN 55440-1109
 514970337 +First Premier Bank, 3820 N Louise Ave, Sioux Falls, SD 57107-0145
 514970344 +Wfds/wds, Po Box 3569, Rancho Cucamonga, CA 91729-3569

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Oct 17 2016 23:57:11 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Oct 17 2016 23:57:05 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 cr E-mail/Text: cio.bncmail@irs.gov Oct 17 2016 23:56:41 Dept of Treasury IRS,
 955 S Springfield Ave, Bldg A, Springfield, NJ 07081
 515152318 +E-mail/Text: EBNProcessing@afni.com Oct 17 2016 23:57:17 Afni, Inc, PO Box 3667,
 Bloomington, IL 61702-3667
 514982427 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Oct 18 2016 00:01:49
 American InfoSource LP as agent for, Midland Funding LLC, PO Box 268941,
 Oklahoma City, OK 73126-8941
 515450209 +E-mail/Text: bkmailbayview@bayviewloanservicing.com Oct 17 2016 23:57:30
 Bayview Loan Servicing, LLC, 4425 Ponce De Leon Blvd. 5th Floor,
 Coral Gables, Florida 33146-1837
 514971107 +E-mail/Text: bankruptcy@cavps.com Oct 17 2016 23:57:23 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340
 514970339 +E-mail/Text: bankruptcydpt@mcmcg.com Oct 17 2016 23:57:04 Midland Funding,
 8875 Aero Dr Ste 200, San Diego, CA 92123-2255
 514970340 +E-mail/Text: bankruptcydepartment@tsico.com Oct 17 2016 23:57:52 Nco Fin/51, Pob 15273,
 Wilmington, DE 19850-5273
 515306555 E-mail/PDF: gecsed@recoverycorp.com Oct 17 2016 23:55:28 Synchrony Bank,
 c/o of Recovery Management Systems Corp, 25 S.E. 2nd Avenue, Suite 1120,
 Miami, FL 33131-1605
 515062214 E-mail/Text: bankruptcy@td.com Oct 17 2016 23:57:13 TD Bank N.A., Attn: Bankruptcy Dept.,
 ME2-002-035, P.O. Box 9547, Portland, ME 04112-9547
 514970341 +E-mail/Text: bankruptcy@td.com Oct 17 2016 23:57:13 Td Bank N.a.,
 TD BANK/ATTN: BANKRUPTCY, Po Box 1377, Lewiston, ME 04243-1377
 515134892 +E-mail/Text: bankruptcynotice@westlakefinancial.com Oct 17 2016 23:57:06
 WESTLAKE FINANCIAL SERVICES, 4751 WILSHIRE BLVD, SUITE 100, LOS ANGELES CA 90010-3847
 514970343 +E-mail/Text: bankruptcynotice@westlakefinancial.com Oct 17 2016 23:57:06
 Westlake Financial Svc, 4751 Wilshire Blvd Suite 100, Los Angeles, CA 90010-3847
 TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

514970338* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346,
 PHILADELPHIA PA 19101-7346
 (address filed with court: Internal Revenue Service, PO Box 21126,
 Philadelphia, PA 19114-0326)
 515001258* Internal Revenue Service, P.O. Box 7346, Philadelphia, PA 19101-7346

TOTALS: 0, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 31

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***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 19, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 14, 2016 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Albert Russo (NA) on behalf of Trustee Albert Russo docs@russotrustee.com
Alexandra T. Garcia on behalf of Creditor Bayview Loan Servicing, LLC, a Delaware Limited Liability Company NJECFMAIL@mwclaw.com
Andrew Sklar on behalf of Creditor Carvant Financial, LLC andy@sklarlaw.com, heather@sklarlaw.com
Brad J. Spiller on behalf of Joint Debtor Kim Green bankruptcy@brennerlawoffice.com
Brad J. Spiller on behalf of Debtor Rodney L. Green bankruptcy@brennerlawoffice.com
Joshua I. Goldman on behalf of Creditor Bayview Loan Servicing, LLC, a Delaware Limited Liability Company jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com
Joshua I. Goldman on behalf of Creditor BANK OF AMERICA, N.A. jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com
R. A. Lebron on behalf of Creditor BAYVIEW LOAN SERVICING, LLC bankruptcy@feinsuch.com
TOTAL: 10